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A
CURSORY VIEW
OF
Arbitrary Power

ATTEMPTED BY
KINGS OF ENGLAND,
From the CONQUEST,
COMPARED WITH THE PRESENT TIME
FROM
HISTORICAL FACTS.

Addressed to the mis-led People of ENGLAND.

*Urbi Pater est, Urbique Maritus, Justitiæ Cultor,
Rigidi Servator, Honesti in commune bonus.*

LUCAN.

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WILLIAM WILKINSON

POWELL

BY

ENGLAND

CONSTITUTION

OF THE PRESENT TIME

1800

HISTORICAL FACTS

OF THE CONSTITUTION OF ENGLAND

THE HISTORY OF THE CONSTITUTION OF ENGLAND

DUBLIN

And sold by

WILKINSON & POWELL

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A
CURSORY VIEW
OF
ARBITRARY POWER, &c.

AN attempt to establish arbitrary power in this kingdom, would justly carry great terror along with it to the free born people of England; so it is no wonder, if false tales and malicious suggestions should be found to prevail so far as to furnish disaffected minds with clamour in order to fill weak and timorous ones with dreads and jealousies of what there is no real cause to suspect, and where consequently, nothing is to be apprehended.

Accordingly some whose unreasonable passions have not failed to display their utmost abilities in insinuating a danger of this sort, though manifestly without any colour of truth or the least foundation for so heavy a charge, they have determined to fix upon the present administration as an

B article

article perhaps not well enough considered to be clearly understood by many, though so far as it is, the idea of it is formidable to most men.

Hereby it seems, as if they thought it so long since we have really felt the effects of absolute power, as not to remember rightly wherein it consists; or, that we had enjoyed the blessing of a mild, and just, and legal government, till the generality are become as miserable as these men, in particular, are unthankful for the benefits of it.

To defeat their sophistry, in this kind, by undeceiving those, who do not love to be deceived, I have thought it would be no bad expedient (in domestic cases, which depend more upon facts than reasoning) to review our English history, to lay together and consider the several parts of it, which acquaint us with the proceedings and policies of such of our former kings as have confessedly arrived to, or so much as aimed at arbitrary power, in order to see the difference betwixt the conduct of these reigns and this we live under.

It has happened in all countries, that the prince very often has been a greater stranger to the constitution than his minister's,

ter's, and from this misfortune it has as often happened, that corruption and oblique designs have got the start of justice and a nation's interest. This is certainly far from being our immediate case, who have a prince, whose wisdom, or indulgence, is disputed by none but the fickle populous, and who is happy in a ministry, that have resolution and integrity enough to fall in with his measures, for the safety of their country.

Where magistrates are in themselves weak, and uninformed in the duties of their charge, they are at best but conduits, to issue out to the people what is infused into them at the passage of their ears. If ever such machines have been at the head of affairs, no wonder that impositions have spread and flourished and commonwealths been oppressed in their liberties, or fortunes, through the inability of their directors, either by incroachments of fraud, and pernicious practices. I may be bold to say with Cicero upon this head, *ubicunque hoc factum est, improbe factum est; quicunque hoc fecit, supplicio dignus est*. Where ever such artifices are practised, they are impious in themselves; and whoever it is that puts them in practice, deserves a punishment equal to his crime.

I have, to avoid the imputation of partiality, and, not to omit any thing which could ever be deemed to strike at the fundamentals of our constitution, altogether followed that historian, who on many accounts, may be said to be the most authentic, and who so far as he can be thought to be partial, is universally allowed to be so on the side of liberty, who, therefore may reasonably be believed not to have passed by any circumstance, which had the least tendency to establish a despotic power, according to whom then, if the present government stands clear of those or the like circumstances, it is an argument of the strongest kind, amounting to full proof, that there is no room for the accusation. The author I speak of is *Rapin*. The folio edition, as being in many hands, I give almost in his own words, noting all along in the margin the page from whence it is taken, to which the reader may apply for farther satisfaction; what I have collected being chiefly facts of a stubborn complexion.

THE
HISTORY
EPITOMIZED.

Tractant fabrilia fabri,

WILLIAM, surnamed the Conqueror Rap. vol. 2. P. 797.
having subdued *England* in 1066 became absolute, and established a despotic power.

To secure his conquest, he transplanted many *Normans, French, Breton and Angevin* families, enriching them with the lands of which he incessantly dispossessed the *English*. These at first gloried in their entire dependance upon the king, who had put them in possession of their lands. But when they were once firmly settled, they began to dread, that the legal power, which had enriched them, might with the same ease strip them of their estates, if the king should so please. For this reason, they

they wished the government restored to the same state as in the time of the Saxon kings, what they so passionately desired, the promises of all the kings from the Conqueror to king John, gave the *English* *Normans* a plausible right to demand of that prince, accordingly he induced by the necessity of his affairs, consented to the charter of the common liberties, known by the name of magna charta and to the charter of the liberties, of the forest which contained, in substance, the liberties of the people, as enjoyed by them during the dominion of the *Saxons*.

These were signed by the king and all the lords spiritual and temporal sealed with the great seal and confirmed by the king's solemn oath with other precautions for the due observance of them ; all which proved insufficient. For the king, exasperated by those about him, who were chiefly foreigners, to whom these charters (which set bounds to the regal power) appeared as bars and clogs, was soon brought to repent the signing thereof, and to endeavour to annul them.

For which end, he raised a troop of adventurers in foreign parts, upon the promise of the confiscated estates of the barons, whom he stiled rebellious for—obtaining the

the grant and confirmation of their liberties.

He also demanded the pope's assistance who readily consenting to annul the charters and absolve the king from his oath, foreign troops were immediately brought over, which he made use of to ravage his subjects ; what followed in this reign, was but the natural effect of this consummate perfidy and tyranny. He dyed during the war with his barons, deprived by a foreign prince, or rather by his own subjects, leaving Henry his son but ten years of age, little able to maintain the quarrel.

Nevertheless being recognized, a few adherents who appointed the earl of Pembroke regent, by his prudent conduct, the face of affairs was soon changed, and by that means, of a positive promise, that the barons Charter should be confirmed and executed. Henry was peaceably settled on the throne ; but was no sooner out of his minority, than he repealed magna charta, and thought of reigning uncontrouled. He sooner indeed gave an unpromising instance of his conduct, in a collusion between him and his justiciary, whereby he at once imposed upon the belief of several of his barons (touching the delivery of some castles) and then openly derided their credulity ;

Hen. III.
P. 296.

P. 301.

credulity ; which proceedings so unworthy a prince, began from thenceforward to breed in his barons an ill opinion of him; but as it was done three years before he came of age, they were chiefly incensed against the favourite, for (that time) whom they looked upon as principal contriver of the cheat.

P. 302.

P. 303.

After a subsidy being granted on condition the charter were observed, he gained credit by assenting thereto in a handsome manner. But within less than two years after that, lost it again, by annulling, on a sudden, when it was least expected, the two charters of the king his father, which he had bound himself, by oath, inviolably to observe. His pretence was, that he was not obliged to stand to what he had promised during his minority. But as this was but a weak excuse for not performing a covenant highly reasonable in itself, and which was the condition of his coming to the crown ; so his after conduct, in that respect, is still less to be defended, having frequently in the course of his reign confirmed it, and as often broke his oaths and engagements, which rendered him as unhappy as, in the following regards he was an arbitrary king.

Besides

Besides money extorted for the renewal P. 306.
of charters, he frequently exacted great
sums, under divers pretences from the
Londoners and other trading places.

Upon the death of the earl of Pem- P. 305.
broke he defrauded his brother of his in-
heritance upon false reasons, which injustice
was attended with this aggravation, that he
was the son of that earl of Pembroke
who had set the crown upon his head, and
established him in his throne in spite of his
enemies.

To support his arbitrary practices and P. 307.
designs, he introduced at once two thou-
sand foreign knights into the kingdom, and
to them committed the most considerable
posts and governments with the wardship
of the young nobility, a means whereby
they procure one another very advantage-
ous matches, to the detriment of all the
noble families. He is said to have ne- P. 313.
glected no opportunity of extorting money
from private persons by all sorts of means,
and was openly complained of (among P. 314.
other things) for keeping to his own use
all vacant benefices. Under pretence of
redressing grievances, he sent justices itine-
rant through all the counties, but in reality,
to oppress private persons by fines and con-
fiscations, by which he brought in very
C con-

P. 316. considerable sums to his treasury. Being denied an aid he asked from his parliament (to break a truce with *France* not yet expired) because as they alledged, they were unwilling to incur the breach of his oath, he squeezed what he could from private persons by way of gift or loan.

P. 321. To vex the Londoners he established a fair at Westminster for fifteen days, during which time all commerce was prohibited in London; and as a further mark of his displeasure, kept his Christmas in the city, compelling them to present him with valuable new year's gifts; notwithstanding which he demanded a large supply of them, and actually constrained them to give him part. Illegal inquisitions, contrary to the two charters of king John, were made by partial judges touching the forests, and little faults punished by excessive fines, which procured the king a great sum of money, and with it the hatred and curses of the people. In short, he had used the money granted him by parliament to such bad purposes, and so ill observed his promises, which he had often made the condition of obtaining ends from them, that being able to get little more, that way, upon his own terms; it was almost his constant practice to exact it arbitrarily, in large sums from the Jews, and also from his
 Chrif-

Christian subjects, especially the Londoners, P. 325. who were for that reason of all the kingdom, most incensed against him.

Richard II. was solemnly deposed for Rich. II. having violated in many instances the privileges of the people, founded on magna charta.

He procured the judges to declare that P. 464. the king was above the laws, attempted to destroy the use of parliaments by ordering the sheriffs to return no members but such as he and his council should direct or nominate. He was in a plot at Nottingham to destroy the lords.

The Londoners refusing him a sum of P. 466. money which he asked of them, he stripped the city of all the privileges, took away her charters, and removed the courts of justice to York; the whole indeed was restored, but then they were obliged to redeem their charters with a vast sum of money and two gold crowns wanting. P. 467. Money which he could not decently ask from parliament, he had recourse to borrowing, or rather extorted grants; in which case, not a lord, bishop, or rich trader, but was obliged to lend him money, though it was well known he never designed to repay it. Having at length by the most violent means effected

fecting what he had before in vain attempted by a wicked parliament, viz. he made use of them to endeavour to carry the prerogative royal to a greater height than any king of *England* had ever pretended to stretch it, and to establish such maxims as were destructive of the constitution and liberties of the people.

Hen. V.
vol. 2.
P. 797.

The government of *England* was so well settled by Henry the Fifth upon its true foundations, the prerogatives of the king, and the privileges of the parliament, that (for near 200 years after, the reign of Henry the Eighth excepted,) no attempts were made upon the constitution till the time of king James the First.

James I.
P. 159.

He gave an early instance of his arbitrary disposition, by ordering a criminal to be hanged at *Newark* by his sole warrant without trial. But if this be considered as a single instance which affected only one private and perhaps guilty person, a more public step soon discovered his sentiments, touching the extent of the prerogative royal, and his notions of the privileges of the nation and parliament (which he esteemed but so many usurpations, or at best but revocable concessions of the crown) in the manner of his calling his first parliament,

liament by taking upon him, both in the writs and proclamation to describe what sort of representatives should be elected, not by way of exhortation, as the former kings had done, but by way of command, and as conditions without which they should not be admitted into the house.

He further discovered his principles concerning the regal power by licensing two books which maintain the most extravagant maxims of arbitrary power, the first writ by *Cowel*, Doctor of Civil Law, laid down these three principles,

1. That the king was not bound by the law, or his coronation oath.
2. That the king was not obliged to call a parliament to make laws but might do it alone by absolute power.
3. That it was a great favour to admit the consent of the subjects in giving subsidies.

The other book was composed by Dr. *Blackwood*, a clergyman, who laid down this principle: That the *English* were all slaves by reason of the *Norman* conquest.

When the Parliament would have severely

verely punished the authors of those books, the king interposed and frustrated the design, and no wonder, when he himself in one of his speeches to his parliament, said, that to dispute what God may do, was blasphemy; so is it sedition in subjects to dispute what a king may do in the height of his power.

The high commission court, which in queen Elizabeth's time exercised its authority with great moderation, in this reign was very rigorous, it was a kind of inquisition for matters of religion and state, in which not only dissenting Protestants were severely punished, but all assertors of Civil Liberty, under the name of being puritanically inclined.

- P. 212. The house of commons having entered a protestation concerning sundry liberties, franchises and priviledges of parliament, the king with his own hand, tore the said protestation out of the journal book, dissolved the parliament by proclamation, issued another, forbidding under severe penalties to talk of state affairs, imprisoned several of the commons who had appeared most zealous to maintain the privileges of the house, sent others beyond sea, and some lords to the Tower, on studied pretences, but
- P. 213.

but in reality for speaking freely in the House of Peers.

King Charles the First having dissolved Char. I. the parliament upon a disgust conceived, P. 243. while a fleet was equipping to act against Spain, for which he wanted money, had recourse to a loan. These forced loans practised indeed by some King's of *England*, had ever been considered as grievances, and tending to render parliaments useless; accordingly, the next parliament did not suffer it to pass uncomplained of, disagreeing still with his parliament. His extraordinary expedient for raising money were,

1. A proclamation, forbidding all persons, for two years, to present, or solicit any suit for any thing tending to the diminution of the King's revenues.
2. A commission to the archbishop of *York*, and others, to compound with *Popish* recusants for all forfeitures past and to come, in flat contradiction to his promise made to his parliament at *Oxford*.
3. A loan from every Peer; an attempt to borrow 100,000*l.* of the city of *London*; after all a general loan from subjects, according as every man had been assessed in the last subsidy given by parliament.

For advancing which loan Sir *Randolph* P. 259. *Crew*, lord chief justice, shewing no zeal, was

was removed from his place: soldiers were quartered upon private houses, contrary to the constant custom of *England*, and, as may well be supposed, with a visible partiality to such as were forward, or reluctant to lend the king money: but more violent methods were used to the most obstinate; the common sort were enrolled as soldiers to serve in his majesty's troops; and persons of birth and rank were summoned before the council, and upon a second refusal, confined to places distant from their habitation; or in case of their refusing such confinement, were committed to the several prisons in *London*. To support these arbitrary and illegal practices, the doctrines of passive obedience and non resistance, were strenuously asserted and publicly preached up, especially by *Sibthorp* and *Manwaring*, two clergymen. The former preached an extraordinary sermon of that sort at *Northampton*; the latter said plainly, in one of his sermons, that the King was not bound to observe the laws of the realm, concerning the subjects rights and liberties; but this his royal will and command in imposing loans and taxes without common consent in parliament, did oblige the subjects consciences upon pain of eternal damnation; with much more, to the same effect, which sermon archbishop *Abbot* refusing to license,

cense, was therefore suspended and con-
 fined, and Manwaring after having been sen-
 tenced by the Lords in the next parliament
 to pay a fine, to imprisonment during
 pleasure, to suspension during three years,
 declared incapable of holding any ecclesi-
 astical dignity, or secular office, obtained
 nevertheless the King's pardon with a
 good benefice, and afterwards a Bishoprick;
 so that we cannot help thinking that the
 doctrine preached by these ministers, was
 approved, favoured and countenanced by
 the court. Indeed the king and his ministers
 conduct; plainly showed, it was his inten-
 tion to establish an arbitrary power, and set
 the king above the laws; of which farther
 proofs were not long wanting in the affairs P. 278:
 of the petition right, with that of tonage and P. 279:
 poundage; inexpressly commanding the
 speaker's refusal (which was a manifest
 breach of the freedom of parliament) to put
 a question in favour of a merchant and
 member of parliament whose goods were
 illegally detained at the King's suit; in his
 unseasonable adjournment of the House;
 in citing before the council nine members
 (the parliament not being yet dissolved)
 committing four who appeared, to the
 Tower, sealing up the studies of some, pub-
 lishing a proclamation for the apprehending
 others by artifices used to obtain the opi-
 nion

P. 280.

nion of the judges in favour of the proceedings intended against them, by an information, exhibited against them (by the attorney general) greatly aggravated and partially represented.

About which time, alderman Chambers, one that refused to pay tonage and poundage, as not being granted by parliament, was prosecuted in the Star-chamber for words, and condemned in an exorbitant fine of 2000*l.* and the imprisoned members having been detained in several prisons from March to October without being tried, or obtaining the benefit of habeas corpus, were then sentenced to be imprisoned (during the King's pleasure) and moreover fined. In the fourth year of his reign, the historian, with great reason, assigns these following causes of the peoples discontent, that, like his father he was very fond of arbitrary power, and had no favourite ministers but what were of the same principles; his privy council became by degrees, an absolute court, which thought itself above the laws. The Star-chamber was another court the most rigorous that ever was, the severity therefore fell chiefly upon those who pretended to dispute the prerogative Royal. The high commission court perfectly seconded the council and the

the Star-chamber, and, under colour of putting a stop to Schism, oppressed as puritans those that refused to submit to a despotic power, in short, the judges of the realm being all chosen by the court, omitted no opportunity to support the prerogative and praise it as high as the king desired. The parliaments could only cure these disorders ; but the King was determined to call no more.

He chose rather to fly to violent measures, about tonage and poundage, seizing the effects, and imprisoning the Merchants, to oblige them to pay what the House of Commons had declared illegal. P. 286.

To monopolies, and abuse in trade, P. 287. which was extended even to old rags, to the compelling persons to take or compound for the order of Knighthood, to commanding by proclamation, all lords and gentlemen, whose stay in *London* was not absolutely necessary, to depart within forty days, and reside upon their estates, summoning such into the Star Chamber, as neglected to obey the proclamation, and condemning them in grievous fines to the King's use. To the appointing commissioners to punish those, that contrary to former prohibitions had

enlarged the City of *London* with new buildings ; from all which the King drew considerable sums, the fines being all for his use. The Star Chamber exercised great rigor on these occasions. The City of *London* was fined fifteen hundred marks upon a prosecution, which seemed not to be weall grounded. Violent means were used to force people's consciences also in religious matters ; there was no toleration for *Protestant* Dissenters in those days,

P. 292.

Notwithstanding the constitution of *England*; and that the King, by his answer to the petition of right, had bound himself not to raise any tax without consent of both Houses, he issued writs for ship money; which was a tax under colour of maintaining a certain number of ships to guard the Seas.

The Lord Mayor of *London* having received a writ of this kind, assembled the Common Council, who agreed with all submissive humbleness to acquaint the King by petition, that they conceived, that by Ancient Privileges, Grants, and Acts of Parliament, (which they were ready humbly to shew forth) they were exempt, and to be freed from that charge ; but their pretensions were not capable of causing the

the King to desist from his resolution. This tax, at first peculiar to the maritime towns, was imposed upon the whole kingdom.

This year 1635, the King renewed a^{P. 294.} former commission to confirm their defective titles to such as held lands of the crown. It was pretended as an act of grace; but was looked upon as, and in reality, proved a manifest oppression. Soon^{P. 295.} after the King raised 30,000*l.* by a commission to enquire into depopulations, and conversions of arable lands to pasture.

The King having dissolved his fourth^{P. 231.} parliament, and wanting money, used sundry ways to raise it without them. He would have borrowed 200,000*l.* of the City of *London*, but was denied, at which being extremely irritated, he took this method of being revenged. A pretence was found to question them about a patent, sometime before obtained for lands near *London Derry in Ireland*, and from thence took occasion to fine them largely, and revoke the patent, which was not restored without payment of the fine. An order of council was issued to prefer informations in the Star Chamber against the Lord Mayor and Sheriffs, and, as occasion should be, against any of the Aldermen,
in

in case of their default in the execution of the writ of ship money.

P. 351. After some time, being extremely embarrassed, and strongly solicited by divers petitions to call a parliament, he did so, telling them that he resolved to put himself freely and clearly upon the love of his subjects; and that it should not be his fault, if it was not a happy and good parliament.

Accordingly this parliament began with the redress of grievances; First,

P. 354. The grievances of private persons were redressed, then those of the public. Acts passed; 1. For a Triennial parliament; that is to ordain, that a parliament should
P. 355. be held at least every three years, though the King should neglect to call it, in order to prevent the inconveniences arising from too long intermission of parliament. To abolish the Star Chamber and High Commission, to reduce the forests under the same state as under *Edward* the First. To repeal the statutes of *Edward* the Second concerning Knighthood. To abolish ship money. In the end, there was not one grievance, public or private, but what was redressed within the nine first months of the Sessions.

Had

Had the Parliament been content with restoring the government to its natural state, they had acquired happiness to their country, and to themselves true glory. But though a strange fatality, an odd mixture of principles and passions, and unhappy incidents, they soon began to deface and mangle that constitution, which they had, at first, in all appearance, struggled to preserve; religion, which was a principal in the beginning of the contest, was, in effect, banished out of the kingdom, and the most detestable hypocrisy left in its place. And Liberty, which was proclaimed, and by many really intended to be raised so high, and fixed so firm, beyond the possibility of being shaken, was, as well as Majesty, basely thrown down and trampled under foot.

Irregularities of all kinds multiplied exceedingly. Tumultuous rabbles were frequently brought down upon the parliament, to influence their proceedings. The parliament was made indissoluble, without a vote of both Houses. After which (to cut short the tragical story) the people had frequent occasion to open their eyes, and discover, that by a pretended maintenance of their Liberties, they had been drawn into real servitude. For it may be affirmed, that *England* had never enjoyed less freedom

P. 798. freedom than under the government of the long parliament and afterwards of *Oliver Cromwell*.

Char. II.
P. 618.

The project of absolute regal power (and to employ equally for that purpose the assistance of Catholics and Protestants) begun by *James* the First, vigorously pursued by *Charles* the First fifteen years together, in the beginning of his reign, interrupted by twenty years troubles, was eagerly resumed at the restoration of *Charles* the Second, who contrary to the express terms of his declaration from *Breda*, wherein he solemnly promised that no person should be molested for his religion, soon took occasion to publish a proclamation, forbidding all conventicles which the Presbyterians looked upon as a breach of his word with them, as also an infringement of their natural liberties.

He further discovered his designs, in making war upon *Holland*, as it could not be expected, that the *English* would tamely give up their religion and liberties, it was natural to begin with depriving them of the only assistance they could hope for, by attacking the *Dutch* and disabling them to succour *England*. With this view he made a secret alliance with *France*, and received money from thence, to enable him

him to equip a fleet superior to that of the States.

The parliament meeting after a short recess, the Commons found it necessary, to begin with preparing a bill, which made it death for any man maliciously to disable, or dismember another, to put out an eye, to cut off a nose or lip, &c. P. 658.

This was owing to an attempt made upon Sir *John Coventry*, a member of the commons, in the street, in which his nose was slit. This fact was by the King's order (for words spoke in the House) committed to the Duke of *Monmouth* and the Duke had employed some other persons who, after the deed, retired to his house.

The King, after having received two millions five hundred thousand pounds from the parliament, seven hundred thousand pounds from the King of *France*, being still in want of money, made Sir *Thomas Clifford* Lord Treasurer, for advising him to the expedient of shutting up the exchequer; which he did *January 1671*, which necessarily caused an extreme consternation in *London*; but the king and his ministers pursued their measures and deaf to the complaints of many ruined families, kept it shut up one year, and after that some months longer. E

longer. This caused great exclamations against the King and his cabal of counsellors ; but the hopes they had to render him absolute made them very easy under the complaints and reproaches of the people.

He attempted to seize the *Dutch* Smyrna fleet, took four *Dutch* India men, at the same time ordered all the *Dutch* ships in his ports to be seized before he had declared war, tho' by an express article of the treaty of *Breda*, no merchant ships were to be seized till six months after such declaration. Upon which the *English* ships were also seized in *Holland*, and had been condemned but for the wisdom and virtue of some of the deputies, who strongly represented how much the honour of princes and states was wounded by these depredations, and that the King of *England's* acting against the faith of treaties was not a sufficient reason to engage the states to imitate so blameable a conduct.

The ground of all this was a project to render absolute, under which was comprised the extirpation of the *Protestants*, or at least the introduction of the *Papish* religion.

The war was so contrary to the interest of *England* and of all *Europe*, the defence
of

of which *Charles* had so often boasted to undertake, though directly opposite to justice, equity, faith, and the religion of the *English*, (publickly professed by the King,) that no man could believe it till the blow was struck, and war declared.

The *Hollander* imagined it was not his real intention, *France* herself could hardly believe but that he intended to deceive her. But all were mistaken in ascribing to the king any affection for his people. His sole aim was to render himself absolute, in order to enjoy all the riches of *England* without controul, and without any obligations to his parliament; the king by his sole authority suspended two acts of parliament. P. 664.

Hitherto the Cabal had sailed with a P. 665. prosperous gale, and a very dangerous sea, famous for wrecks without any opposition, but at last they were stopped in their course, by a rock which it was not possible to avoid, viz. the parliament which had not been assembled for near two years; and during which recess the lord chancellor had by the King's order, issued writs for electing and returning persons to sit in the House of Commons in the room of such as P. 667. were dead or removed.

The majority of the parliament appear-P. 668.

ing not to approve of the King's measures, he was much perplexed. The Cabal had promised to make him absolute, he had hoped to attain his aim by degrees, and to see himself at last at the top of his desires; but finding himself disappointed, and that he must of necessity either give way, or break with his parliament. He chose the former; for which the Cabal was very much displeased with him, who had disappointed their hopes, founded upon his courage and resolution to withstand the complaints of his parliament howsoever well grounded. The King altered his measures so far, as to stay his proceedings; but did not entirely desist, or give up the thoughts of compassing his designs at a more convenient juncture.

The lord *Clifford* having entertained a project for establishing a perpetual fund, to free the king from his dependance on the parliament; when he proposed it in the House of Peers, the king and the duke of *York* came to countenance it with their presence.

P. 670.

A tax was laid upon coals mearly by virtue of an order of council; and soldiers were by proclamation only, in a manner, exempt from the ordinary course of justice.

So

So great a contrariety appeared (during this reign) between the particular interest of the king and those of the *English* nation, as that it was the common talk, wherefore by proclamation he suppressed all coffee houses. A treaty was negociated with *France*, by virtue of which, he hoped (according to the *French* king's promises) P. 686 to have been absolute master of his realms. Whence it appeared, that thirty thousand men he was then raising were not intended for a war against *France*, as was pretended, a bargain being already made with that crown, for four millions of livres; but, that he imagined the king of *France* would assist him in his arbitrary projects, and furnish himself with money to maintain his army without applying to his parliament. Though herein he was deceived by the promises of *Lewis* the Fourteenth, who artfully took advantage of the eager desire of *Charles*, and the duke, his brother, to establish an absolute government of *England*, to engage them in all the measures they had taken during the whole war, and which were so directly contrary to the interests of the kingdom.

A *Popish* plot being discovered to the P. 691. king in the year 1678, he was extremely perplexed, and at first endeavoured to stifle the

the noise of this conspiracy, by concealing it from his very council; but was forced at last to consent it should be communicated to them, resolving however, if possible, to prevent the affair from coming before the parliament. The true reason seemed to be this. The plot containing three articles, namely the designs 1 of killing the king, 2 of subverting the government, 3 of changing the established religion. The first was doubtful, and in all appearance the king did not believe it; but the two last being certain, he was suspected to be privy to, or rather concerned in them; nay, his whole conduct had made this so clear, that all the kingdom was in a manner convinced of it. No wonder then, if, to avoid so dangerous a discussion, he resolved to take from the parliament the examination of the plot; but the earl of *Danby* (through fear, or from some other motive) broke all the measures by communicating the very first day *Oates's* narrative to the Commons, who laboured incessantly on that affair.

P. 701.

In the course of their enquiries, letters produced by Mr. *Montague* in parliament, fully convinced the most credulous, that the king was a pensioner of *France*, and sacrificed the interest of *England* to that crown. It is therefore no wonder, that the

the parliament credited the discovery of a plot, which was (part of it) so natural a consequence of his designs. Indeed the first article concerning killing the king was not clear; but the two last relating to the rendering him absolute and subverting the established religion, need no other proofs than those he himself had given. Besides, the duke of *York* being a professed *Papist*, and having a great influence in the king's councils, it was not difficult to conceive, that he being such a zealot for his religion, would lose no occasion of promoting it, P. 695. and this his secretaries letters plainly demonstrated.

The parliament at *Oxford* being dissolved, the king, from that time, during the rest of his life, governed not only without a parliament, but with an absolute power. He entirely threw off the mask of dissimulation, and clearly discovered by his conduct, that he was altogether in the principles of despotic power, and finding his authority sufficiently established, resolved to ruin his enemies the Whigs, and consequently the *Presbyterians*. Accordingly a violent persecution commenced against the Protestant *Dissenters*; all places were filled with rigid forces, the pulpits resounded with passive obedience, and non-resistance. One part of the clergy seemed

ed to make it their business to surrender to the king, all the liberties and privileges of the subjects; according to them, no Eastern monarch was more absolute than the king of *England*.

The doctrine was supported in the courts of justice, by all the judges and lawyers to the utmost of their power, all which was followed with numberless petitions and addresses, supposing the king of *England*, as absolute as it was possible to devise. So prevalent were the violent forces in the corporations, that, not satisfied with persecuting the *Presbyterians*, they made the king an arbitrary and absolute monarch; notwithstanding which, he durst not venture to call a parliament, as knowing these to proceed but from one party, which he doubted to be the majority.

This year 1682, the court resolved to annul the charter of *London*, but the design was not executed till the next, when fourteen aldermen and substantial citizens were tried for a pretended riot, and condemned in great fines. A quo warranto was brought, upon which the judges of the king's bench declared, that the liberties and privileges of the city were forfeited, and might be seized into the king's hands. The city submitted, and the charter was restored;

restored; but not without conditions, which made the king master of the government of it, so that the restoration of their charter was the means of their being effectually deprived of their principal privileges.

The lord *Russel* was condemned to lose P. 729
his head, for words spoke in his hearing 730.
which in *England* can never pass for treason, and he universally beloved, and greatly interceded for by many powerful relations, was executed; as was colonel *Algernoon Sidney*, for writing a book against arbitrary power, which yet he never published.

The whole kingdom being struck with P. 734
terror on account of the several state prosecutions about this time on foot, the king believed he ought to improve it to the establishment of his absolute power, and did so, by depriving at once all the corporations, and consequently all his subjects of their privileges.

Almost the whole month of January (and he died on the sixth of the next month) was spent in prosecuting delinquents, or receiving the charters of the corporations not yet surrendered, or in granting new ones on such conditions as the court thought proper.

Jam. II.
P. 741.

James the second began his reign with a declaration to this effect: That whereas he had been reported a man for arbitrary power (which was not the only story had been made of him) he should make it his endeavour to preserve the government both in church and state, as then by law established; to invade no man's property, but preserve the nation in its just rights and priviledges. Two days after, he went publicly to mass, the same week required by proclamation, that the customs and other duties which had been granted to the king his brother, only for life, should be continued to be collected; which was an open violation of our fundamental constitution, by which no money can be levied on the subjects but by their consent in parliament.

P. 742.

Before the meeting of the parliament, three persons odious to the king, the Papists, and the prevailing party, namely *Titus Oates*, *Dangerfield* and *Richard Baxter* were tried and severely sentenced.

P. 750.

The king in his first speech to his parliament, speaking of the Church of *England*, had these words again. I will make it my endeavour to preserve the government in church and state, as it is now by law established; and as I will

P. 751.

never depart from the just rights and prerogatives

rogatives of the crown, so I will never invade any man's property.

The Duke of *Monmouth* having made an attempt upon the Crown, in which he miscarried and lost his head. The King took a cruel revenge upon all who directly and indirectly had assisted him. It would be tedious and irksome to write all the barbarities, of these two brutal wretches, *Jefferies* and *Kirk*, who were his instruments on that occasion; it was not only in the Western Parts where the insurrection was, but at *London*, a woman was publicly burnt for harbouring an adherent of the Duke of *Monmouth's*; six men were hanged at *Tyburn* as traitors, without any previous trial; about the same time Alderman *Cornish* was unjustly sentenced to be hanged, and was executed accordingly; as was *Bateman*, a city surgeon, whose chief crime consisted in his compassion to *Titus Oates*, (after his cruel scourging) and using all his skill to cure his wounds.

King *James* having destroyed his most powerful enemies, revenged himself on all who had ever offended him, humbled the whigs, made the Tories triumphant, and passive obedience a current doctrine; he wanted yet to make all his subjects Pa-
P. 750.
P. 751.

pists, or at least to force them to pretend to be so.

This was difficult to be accomplished, by reason of the superior number of Protestants in *England* and *Scotland*; he resolved to assemble to, and to that end, found it necessary to set himself above the laws. These two projects of establishing an arbitrary government, and destroying the protestant religion, were not of a late date, they were known to have been long intended; but the people were somewhat deceived with the King's repeated promises to support and defend the religion established by law. They thought it impossible for a King to break his word, but soon found themselves mistaken in him.

P. 752.

In his second speech to his parliament he gave them to understand he had popish officers in his army, whom he was determined to keep; which equally surprized both houses, and the whole kingdom, when it came to be published. The English, who had believed themselves secure of their laws and liberties, as well by the constitution of their government, as by the King's solemn promises, beheld their laws openly attacked in the most sensible part. Those who had opposed the exclusion bill began then to perceive that it was difficult to reconcile

concile the interest of a Roman Catholic King, with those of a protestant Kingdom.

Debates arising in the house about popish officers, and the commons addressing the King, in a manner which gave him small hopes of obtaining their consent in that particular, he prorogued the parliament, and lost thereby 70000*l.* voted by the commons. This prorogation which followed by several others, and at last by the dissolution of the parliament; (the last in this reign,) clearly proved that the King considered the affair of the popish officers in the army as of great moment, since he rather chose to lose so great a sum, than see his pretended right to employ them contested by the parliament. P. 753.

The year 1686 as well as the next, was wholly spent in the examination of his two grand projects of making himself absolute, and establishing *Popery*; they were necessary to each other; the former was far advanced, insomuch as passive obedience was in a manner established, and reckoned an essential doctrine of the Church of *England*, whose members made the body of the nation, and filled all the offices and places of trust; to introduce into which, Roman Catholics (according to his desire) having found the parliament not sufficient-ly P. 754.

ly compliant, he hoped to attain his ends by causing the judges to give it as their opinion, that he had a power to dispense with his laws in their favour, as *Dr. Cartwright*, Dean of *Rippon*, (for which he was made a Bishop,) said he had to dispense with his Royal word and promise. He, in a sermon speaking of the King's promise made to the parliament, which were then the common popish discourse and complaint, said, that the King's promise were free donatives, and ought not to be strictly examined or urged; and that they must leave his majesty to explain his meaning in them; however four of the judges after P. 755. all means used, refusing to come into the King's measures, were displaced, and succeeded by others more compliant, one of them a Papist.

A call of Serjeants followed wherein were many Roman Catholics: soon after another Papist was made a Judge: the privy council underwent the whole alterations, the Judges at last all but one, gave their opinion, that the King might dispense with the Law. In consequence of which declaration, the Papists openly professed their religion. Four popish Bishops were publicly consecrated in the King's chapel, (and sent down into their several dioceses. Monks

Monks appeared in the habit of their order, at White-hall and St. James's, and scrupled not to tell the Protestants, they hoped in a little time to walk in procession through Cheapside. All places were bestowed on Papists, or promoters of Popery, after the example of Queen *Mary*, before her cruel burnings; the Clergy were forbid to preach upon controverted points; that was, to defend the Protestant religion when it was openly attacked, as well in sermons as writings, industriously spread throughout the kingdom. But this inhibition not being sufficient to restrain many eminent divines from making the defence of the protestant religion the chief subject of their discourses, the King and his popish council, extremely offended thereat, erected a new court for ecclesiastical affairs, in order to check them; with large power to the commissioners, the commission itself illegal.. Dr. *Sharp*, vindicating the doctrines of the Church of England, the King was informed of it, and sent a letter to the Bishop of London, commanding him forthwith to suspend him. The Bishop refusing to condemn a person illegally, *i. e.* unheard, was cited to appear before the ecclesiastical commissioners, where he was treated in a very unbecoming manner, by the insolent chancellor *Jesseries*; and after a second or third appearance,

ance, was himself suspended from the execution of his episcopal office.

Johnson, a Clergyman, for addressing a writing to the Protestant part of the army, dissuaded them from being instrumental in the destruction of their religion, and the subversion of the government, was sentenced to stand three times in the pillory, to be whipped from New-gate to Tyburn, and to pay a fine of five-hundred marks, which sentence was executed with rigor.

The King's promise to preserve the Protestant religion was entirely forgot; it was even dangerous to mention it in public conversation, for fear of the consequence.

P. 758.

Having (in favour to the Papists) published a declaration for liberty of conscience in Scotland, with the desired success, he did the same in England; but that was not thought sufficient, it was judged requisite, that the Papists should have some preferment in the Universities; they wanted to have masters and professors of their own religion there.

At Cambridge, the vice-chancellor received a letter from the King, commanding the University to admit to the degrees

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of master of arts, a benedictine monk, without administering any oath whatsoever, notwithstanding any statute or law to the contrary. This being refused in a proper manner once and again, the vice-chancellor was, by the ecclesiastical commissioners, deprived of his office; soon after, an attempt was made of the same kind at Oxford. Viz. To impose an unstatutable person upon Magdalen-college for their president, when twenty-five fellows were turned out for their disobedience, so called, and sent to seek their bread, and the college filled with Papists.

The king, finding it impracticable to bring the majority of the parliament to consent to favour the *Papists*, so far as to abolish the penal laws, dissolved it, after which, in order to model the corporations, so as to get such members returned as were proper to his purpose, quo warrantos were issued against several *Protestant* magistrates, who were displaced to make room for *Papist* ones. The pope's nuncio made his public entry at *Windsor*, with great pomp and magnificence; every thing tending to subvert the constitution and introduce *Poper*y, was carried on with surprizing rapidity.

A second declaration was published, p. 762.

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with

P. 763. with an order enjoining the bishops to see it read in all churches and chapels, whereupon they petitioned to be excused; and for so petitioning, were summoned before the council and sent to the tower.

P. 768. Defeated in every other attempt, he resolved upon open force, and in order to make use of the army, to convert his people, began to fill all vacancies with *Popish* officers and soldiers; such being the situation of affairs, a resolution was formed to call in the prince of *Orange*, who invited thereto, by many of the nobility, gentry, and clergy, (under God) became the happy instrument of rescuing this church and nation from *Popery* and slavery; of preserving the *Protestants* religion, and restoring the liberties of *England*.

P. 795. As a just reward of, and for the perfecting which good work, a solemn tender of the crown to their highnesses the prince and princess being made, in the name of both houses, their acceptance thereof was followed with the acclamations of the people, which quickly flew over the whole city. They were the same day proclaimed king and queen, to the inexpressible joy of the people, who were for the present touched with the sense of their late great danger and providential deliverance. To the same king *William*, of glorious and immortal memory,

memory, are we indebted for our present safety, and the blessing we now enjoy (without which, the whole had been imperfect,) in providing for the succession, in the present line of the illustrious house of *Hanover*.

THE CONCLUSION.

THE premises fairly considered, I appeal to any ingenuous person, if they who are free to tax the government that now is, with pursuing arbitrary measures, can be supposed to regard what they say, and at the same time, know what those mean; for surely a man need but read this history, and reflect dispassionately, upon late and present occurrences, to be convinced of their not having done, or offered, or manifested any intention of violence, to the common liberties and the constitution.

The grand symptoms, which, throughout these foregoing reigns, are found so uniform, regular, and constant, as the cause and the effect of their proceedings and policies, are totally wanting in our days. A disagreement with, and disuse of parliaments, can by no means be objected; nor do we hear a syllable of the doctrine of passive obedience, in that sense

in which we so steadily find it there. It is indeed only to be found, under princes of arbitrary disposition, for whom it is solely calculated; to them it is an essential doctrine, and, therefore a grateful one; but to a legal government, useless, nauseous, and offensive; so that the rise and fall of it, doth as surely indicate the temper of the court of *England*, (in that respect) as the appearance and disappearance of swallows, &c. denote the seasons. Neither can the most implacable enemies of the king, and his ministers, instance in any of those violent acts of injustice, cruelty, and oppression, which occur so frequently in this short history of arbitrary practices, and of which, a much larger catalogue might have been given.

What opinion then, must we have of the wisdom, or the truth of those, who, extolling the felicity of those times past, depreciate, nay, deny the happiness we at present enjoy; and who speak of the liberty of old *England*, as far surpassing (what it comes very short of) that which is now subsisting in this country.

Liberty and property, the *English* constitution, as virtually comprehending both, have of late been frequent in the mouths of people misled, and of those who have
been

been industrious to mislead them, as if they were actually invaded in the most outrageous manner that could possibly be imagined; when it is notorious, that we, of all people in the universe, are at this day, only the happiest in the protection of our sovereign, ruling by the known and most equitable laws of the land; enjoying quite undisturbed, and in the greatest security, without any the least fear, for life or property, our just inheritances, and the fruits of our honest arts and industry. No period of time can be instanced, when liberty hath been more amply exercised and enjoyed, than at the present hour; which (besides other proof) the licentious behaviour of those, who pretend to quarrel with government and its friends, on that head, doth as amply, and but too plainly testify.

That our constitution then is unimpaired on the part of the crown, is plain even to demonstration; but the plainest truths will be controverted, where passion and interest are concerned. Nay, when it cannot be shewn, in fact, that the constitution is invaded, it is endeavoured frequently to prove by argument that it ought to be changed from what it is, to somewhat else, just as it suits some person's dangerous, or whimsical, and at best, but visionary schemes of

of government, or rather confusion. Whoever will give himself the trouble of looking carefully into the *English* history, and of reflecting upon it, and the nature and temper of the people of *England*, will find our constitution to be at this time, in its utmost vigour and perfection. But the people are so capable of being practised upon to their own hurt, that they are too easy game, liable to fall a prey, and be made the tools of factious and unquiet spirits, who can never be at rest, either in power or out of power; who particularly, when out of power, are always working and intriguing against those that are in, without any regard to justice, or the interest of their country; and from whose fruitless attempts, under feigned pretences, are endeavouring to mend the constitution, by lessening the prerogative of the crown. We are no more to conclude the necessity or expediency of so doing, (but the contrary,) than we are to imagine a want of due liberty, from their want of success, upon a false alarm.

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